

AO 91 (Rev. 01/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Western District of Texas

2020 FEB -7 AM 10:19

United States of America

v.

Omar Uriel MONRROY-Diaz

Defendant(s)

Case No:

3:20-mj-0766-ATB

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date of February 1, 2020, in the county of El Paso in the Western District of Texas, the defendant violated 8 U.S.C. § 1326, an offense described as follows:

an alien, who had been excluded, deported and removed from the United States and who has not received the consent to reapply for admission from the Attorney General of the United States or the Secretary of Homeland Security, the successor, pursuant to Title 6, United States Code, Section 202(3), 202(4), and 557, was found in the United States.

This criminal complaint is based on these facts:


On February 1, 2020, the Defendant, Omar Uriel MONRROY-Diaz, was encountered at the El Paso County Detention Facility by Deportation Officer Norberto Talamantez, who is assigned to the Immigration and Customs Enforcement Criminal Alien Program in El Paso, Texas. Officer Talamantez questioned the Defendant as to his citizenship and immigration status. The Defendant readily admitted he is a citizen and national of Mexico without immigration documents allowing him to be or remain in the United States. The Defendant was last removed from the United States to Mexico on March 13, 2012. There is no evidence that the Defendant received expressed consent from the appropriate authority to reapply for admission into the United States.

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

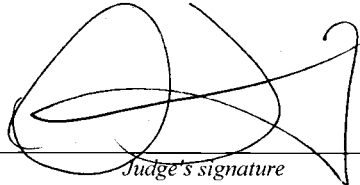
Date: February 7, 2020

City and state: El Paso, Texas


Complainant's signature

Erika Gutierrez, Deportation Officer

Printed name and title


Judge's signature

Anne T. Berton, U.S. Magistrate Judge

Printed name and title

CONTINUATION OF CRIMINAL COMPLAINT

WESTERN DISTRICT OF TEXAS

United States of America

v.

Omar Uriel Monrroy-Diaz

Continuation of Statement of Facts:

The encounter between Deportation Officer Talamantez and the Defendant took place at the El Paso County Detention Facility after the Defendant was arrested by the El Paso Police Department and booked into the facility.

Upon his release from the detention facility and into the custody of ICE on February 6, 2020, Deportation Officer Victor Rivas processed the Defendant at the DHS/ICE/ERO office by enrolling him into the EAGLE/IDENT/NGI systems using biographical information and biometrics-captured data, with positive matching results indicating the Defendant has immigration and criminal histories.

The Defendant's immigration records checks revealed that, on May 24, 2010, the Defendant was issued a Final Administrative Removal Order, the Defendant's departure to Mexico was verified on May 28, 2010, at Hidalgo, Texas. On November 23, 2010, the Defendant was issued a Notice and Order of Expedited Removal and departed to Mexico on December 1, 2010 at Brownsville, Texas. On December 22, 2011, the Defendant was issued a Notice of Intent/Decision to Reinstate Prior Order and departed to Mexico on March 13, 2012 at Brownsville, Texas.

The Defendant's criminal history reflects convictions on April 5, 2010 for the offense of Simple Assault and Recklessly Endangering, for which he received a sentence of "No Less Than Six (6) months nor more than 23 months" to run concurrently.

On November 29, 2010, the Defendant was convicted of 8USC 1325 in the District of New Mexico for which he received a sentence of seven (7) days time served. And on January 3, 2012, he was convicted of 8USC 1325 in the District of Arizona for which he received a sentence of seventy-five (75) days with credit for time served.

There is no evidence that the Defendant has received expressed consent from the Attorney General of the United States or the Secretary of Homeland Security to reapply for admission into the United States.

On February 6, 2020, the Defendant was booked in to the El Paso County Detention Facility pending his initial appearance in United States Magistrate Court.

The government will seek to file a Motion to Detain the Defendant without bond, showing for cause that the Defendant has a prior criminal history, and is a foreign national and therefore presents a high risk of fleeing to avoid prosecution on this charge.